to the welfare of the pupils, and defendant was merely the instrument of its enforcement and not liable. The principal case is one of the most extreme to which this doctrine has been applied, but it seems to fall squarely within the rule of the cases and the injury to the plaintiff was damnum absque injuria.

COMMERCE,—INSURANCE,—STATE TAXATION.. Under a Montana statute every insurance company transacting business in the state was taxed upon the excess of premiums received over losses and ordinary expenses within the state. The tax under this statute was contested by a foreign life insurance company. *Held,* insurance is not commerce, interstate or intrastate, and may be taxed by the states although all the contracts are made at the home office, and great and frequent use is made of the mails in the transaction of the business. *New York Life Insurance Company* v. *Deer Lodge County,* 34 Sup. Ct. 167.

The decision in the principal case states no new doctrine, but confirms in the most positive way a line of decisions which has been the object of constant attack. The original case, *Paul* v. *Virginia,* 8 Wall. 168, 19 L. Ed. 357, involved the business of fire insurance. It was held that a policy of insurance was not an article of commerce but a mere personal contract incidental to business between the states and that a tax on an agent representing an insurance company domiciled in another state was not a burden on interstate commerce. The same is true of bills of exchange, *Nathan* v. *Louisiana,* 8 How. 73, 12 L. Ed. 992. See also *Fire Insurance Association of Phila.* v. *New York,* 119 U. S. 110, 30 L. Ed. 342. The rule was applied to marine insurance in *Hooper* v. *California,* 155 U. S. 648, 39 L. Ed. 297, 15 Sup. Ct. 207. In this case the court refused to make any distinction between the various kinds of insurance. Nevertheless the application of the doctrine to mutual life insurance was resisted, and in *New York Life Insurance Co.* v. *Cravens,* 178 U. S. 389, 44 L. Ed. 1116, 20 Sup Ct. 962, it was definitely applied to that branch of the business. The principal case reviews all of the previous decisions of the court and puts its decision squarely on the rule of "state decisis". The question must be considered as settled for the present at least.

COMMERCE UPON THE HIGH SEAS—IS IT FOREIGN COMMERCE PER SE?—The plaintiff, a steamship company, questioned the right of the state to regulate its rates, because of the fact that a part of its route was upon the high seas. The termini were in the state, and there were no stops made except those within the state. *Held,* that such commerce was not embraced by the commerce clause of the federal constitution, and was subject to direct regulation of the state. *Wilmington Trans. Co.* v. *Rd. Comm.,* (Cal. 1913), 137 Pac. 1153.

The decision is in direct conflict with *Lord* v. *S. S. Co.,* 102 U. S. 541 and *Pac. Coast S. S. Co.* v. *Rd. Comm.,* 18 Fed. 10. In departing from the rule of these cases, the court in the instant case relies on dictum in *Lehigh Valley Rd.* v. *Pa.,* 145 U. S .192, 12 Sup. Ct. 806, 36 L. Ed. 672. But, as is pointed out in *Hanley* v. *Kas. Cy. Ry. Co.,* 187 U. S. 617, 23 Sup. Ct. 214,